

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Ogilvie Brands, Inc. d/b/a Love Wellness,

Plaintiff,

v.

Love Health, Inc.

Defendant.

Case No. 1:23-cv-4932-JHR

Judge Jennifer H. Rearden

**DECLARATION OF KARISSA PADDIE IN SUPPORT OF LOVE HEALTH'S  
RESPONSE TO OGILVIE'S MOTION FOR PRELIMINARY INJUNCTION**

I, Karissa Paddie, pursuant to 28 U.S.C. § 1746, state as follows:

1. My name is Karissa Paddie. I am the Chief Strategy Officer of Love Health, Inc. ("LHI"). I am over the age of 21 and am competent to make this declaration. This declaration is based on my personal knowledge. In preparing this declaration, I have also relied on my personal experience and my review of company documents and information kept within the ordinary course of business, and, if called as a witness, I could and would testify competently to the facts in this declaration.

2. As Chief Strategy Officer of LHI, I am responsible for marketing, sales, and expansion of LHI's business, including the conception, creation, development, marketing, advertising, promotion, launch, and sales of LHI's wholly owned subsidiary Love Shops, LLC's online marketplace at love.com, as well as LHI's other projects in social media and decentralized infrastructure.

3. Before launching LHI in 2021 with its founder and Chief Executive Officer, Ryan Breslow, I was Head of Growth for his former company, Bolt Financial, Inc. Bolt is a technology

company valued at \$11 billion as of January 2022 that facilitates one-click online checkouts for online marketplaces.

4. I started at Bolt in 2017, before its public launch, as Head of Growth. At Bolt I was responsible for building out sales, marketing, customer success, operations, and I helped manage Bolt's public launch.

5. Ryan brought me to LHI as the company's first hire. The company now has 11 full-time employees, three of whom are former Bolt team members. I am aware that Ogilvie's motion for preliminary injunction against LHI suggests Ryan has a poor reputation or a bad relationship with Bolt. Neither suggestion is true. I am personally aware that Ryan is Chairman of Bolt's board of directors and enjoys a good relationship with Bolt.

#### **A. The Concept Behind LHI**

6. We selected the love.com domain to build around the concept of "love" and the connectedness and trustworthiness that the word "love" conveys. Our vision for LHI has encompassed three focuses: a marketplace; a social media community; and a decentralized autonomous organization ("DAO") project, which LHI explored for creating a "people-powered pharma" company with a decentralized infrastructure for funding clinical studies. Before exploring a DAO for funding clinical studies, LHI also explored cryogenics (and applied for trademark registrations in that field), and other ventures in the medical space. The plan was, and remains that LHI would, in the long term, establish a marketplace where it would ultimately sell products funded through its DAO's research and create a community for conscious consumers through a social media web-based application, where people can connect over their health-related experiences and recommend products to each other. LHI is a conscious commerce

company, not a wellness company. In fact, to better convey LHI's brand, it plans to change the company name to Love.com, Inc.

7. To support LHI's ambitious projects, the company has raised approximately \$20 million from investors. It plans to raise significantly more in the near term.

8. Before LHI received Ogilvie's May 23, 2023 cease-and-desist letter, I was briefly aware of Ogilvie and its branded products. I believe I first became aware of Ogilvie in February 2022, well after the company acquired the love.com domain and conceptualized its brand, because LHI was searching for social media handles. At no time did LHI intend to trade off Ogilvie's products or purported goodwill, nor did the company make any design or product choices based on Ogilvie's products and designs—LHI has no intention of associating itself with Ogilvie's brand. In fact, after learning of Ogilvie, I did not consider that Ogilvie would assert that LHI's branding was problematic, because I believed that consumers would readily differentiate Ogilvie's branding from ours.

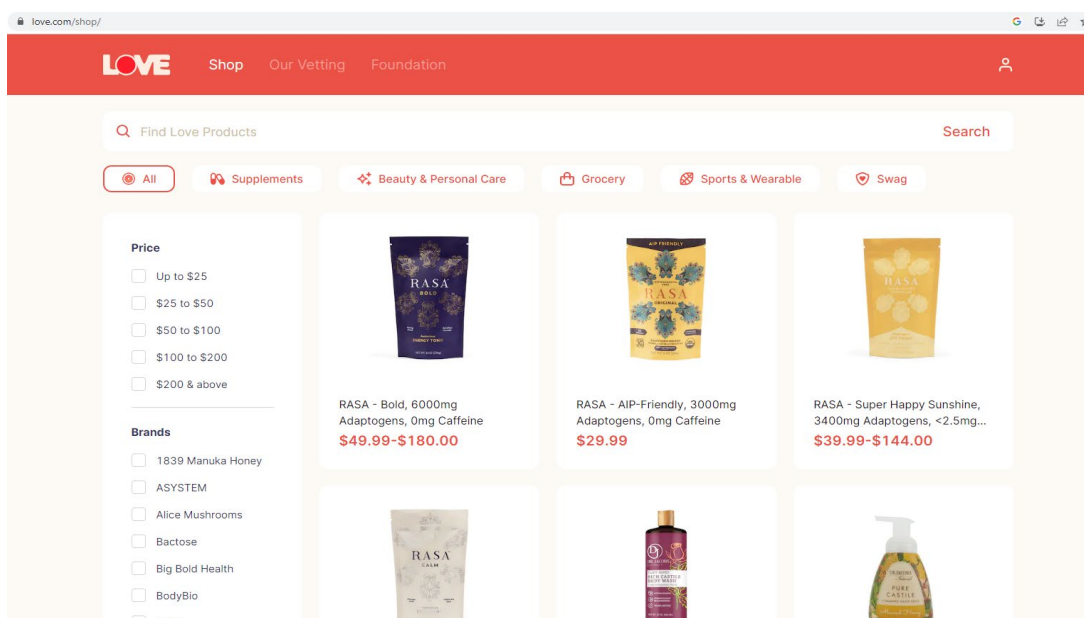
9. I have reviewed Ogilvie's offerings as shown in its complaint and in the declaration of Lo Bosworth. Unlike Ogilvie, LHI does not sell supplements or similar products with LHI's branding on them. The only such products LHI sells on the love.com marketplace are vetted third-party products identified by the third-party companies' own branding.

#### **B. LHI's Marketplace for Third-Party Products for Conscious Consumers**

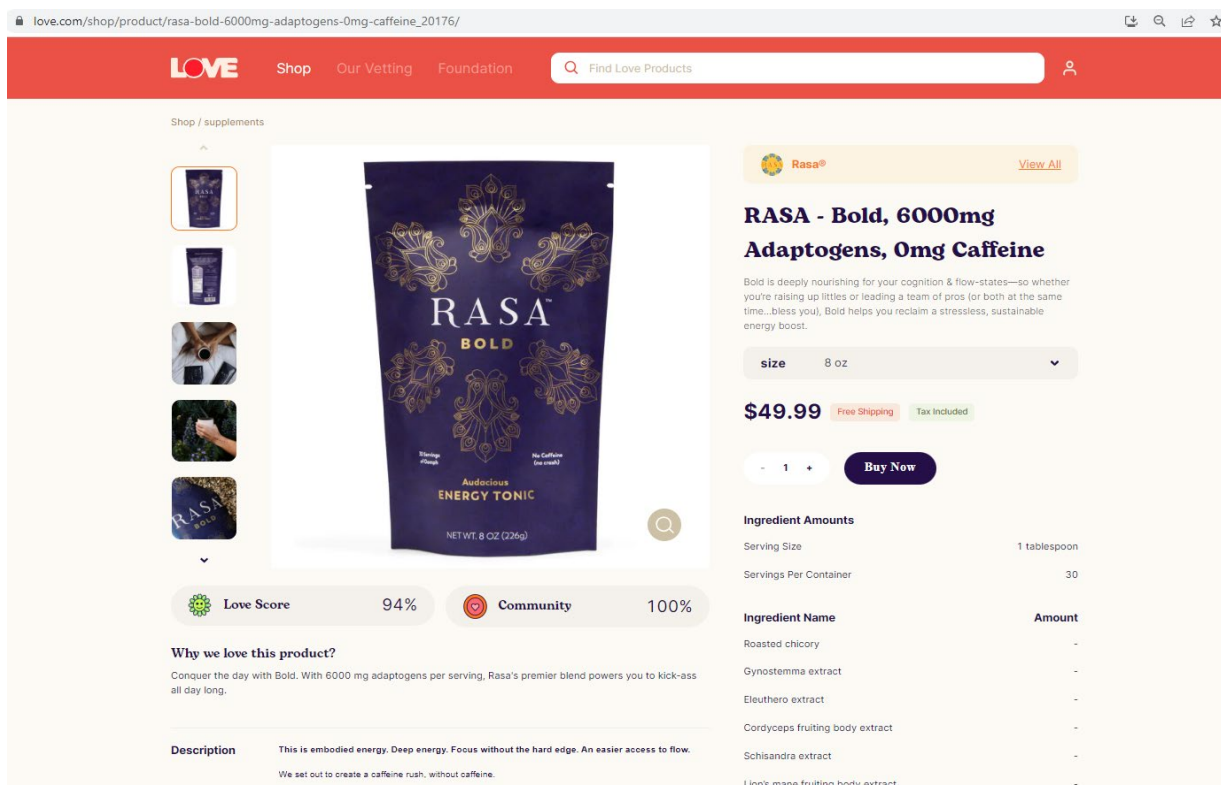
10. For example, LHI currently sells third-party supplements, beauty & personal care items, groceries, sports goods, and wearables on the love.com marketplace. Some examples of LHI's current offerings include Rasa® tonics, Dr. Jacobs® soaps and body washes, Rich Nuts® assorted nuts, Buoy™ wellness kits, Leaves of Leisure™ tea bundles, Bactose™ probiotics, Swanwick® earplugs and glasses, Just Date™ organic date sugar, Sweet Nothings® Nut Butter

Bites, and Cure™ electrolyte mixes, Routine™ probiotics, Jupiter™ shampoos and other products, Troop® gummies, Jade Dragon® supplements, Rootless® bites, Rootcha® supplements, Deja™ tongue scrapers, and Bodybio® probiotics and liquid supplements. *See* Screenshots from love.com/shop, attached as **Exhibit 1**. When the marketplace launched, some of these product categories—like some of the groceries and sports wearables and gear—were not yet offered on the site, but their commercialization was already planned prior to suit, like the sunglasses and tongue scraper offerings. Like other startup ventures, LHI has broadened its offerings in response to its understanding of consumer preferences, specifically to focus on conscious consumerism and provide a one-stop shop for socially and ecologically conscious consumers to purchase a host of products. As explained below, for that reason LHI is continuing to expand beyond the current offerings into other vetted products.

11. For the products LHI markets on love.com, each third party's branding is prominently shown in connection with its goods. For example, when a consumer enters the “shop” on love.com, they are taken to a landing page that identifies the products offered for sale and allows customers to filter by category:

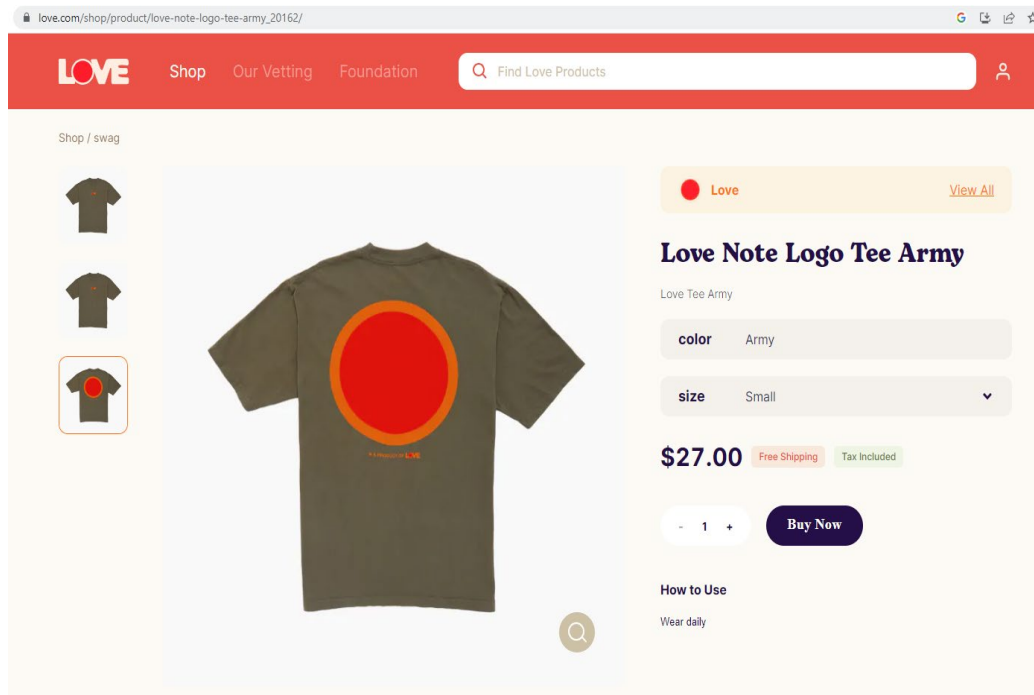
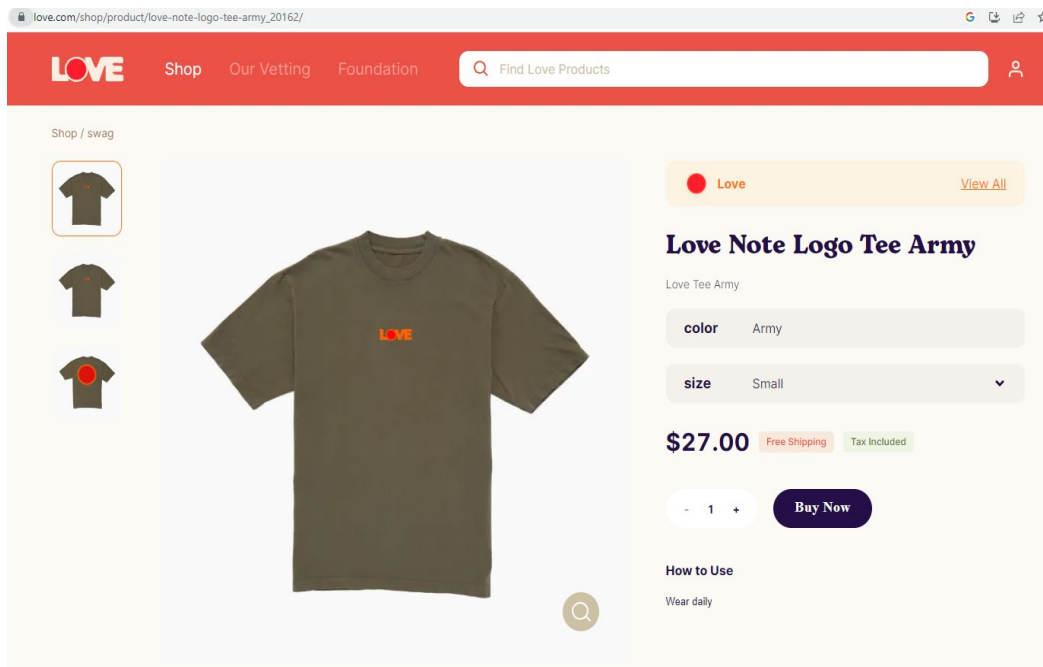


12. As shown on the screenshot above, the website depicts each of the offerings with a description beneath it that highlights the brand name of the product and then identifies the specific type of product. So, for example: “RASA – Bold, 6000mg Adaptogens, 0mg Caffeine.” If a customer were to then select that offering by Rasa®, they would be taken to the product page for that item, which prominently displays the Rasa® branding on the picture of the item, on the description of the item to the right of the picture, and in a menu above the description with a link to “View All” Rasa® offerings on the love.com marketplace:

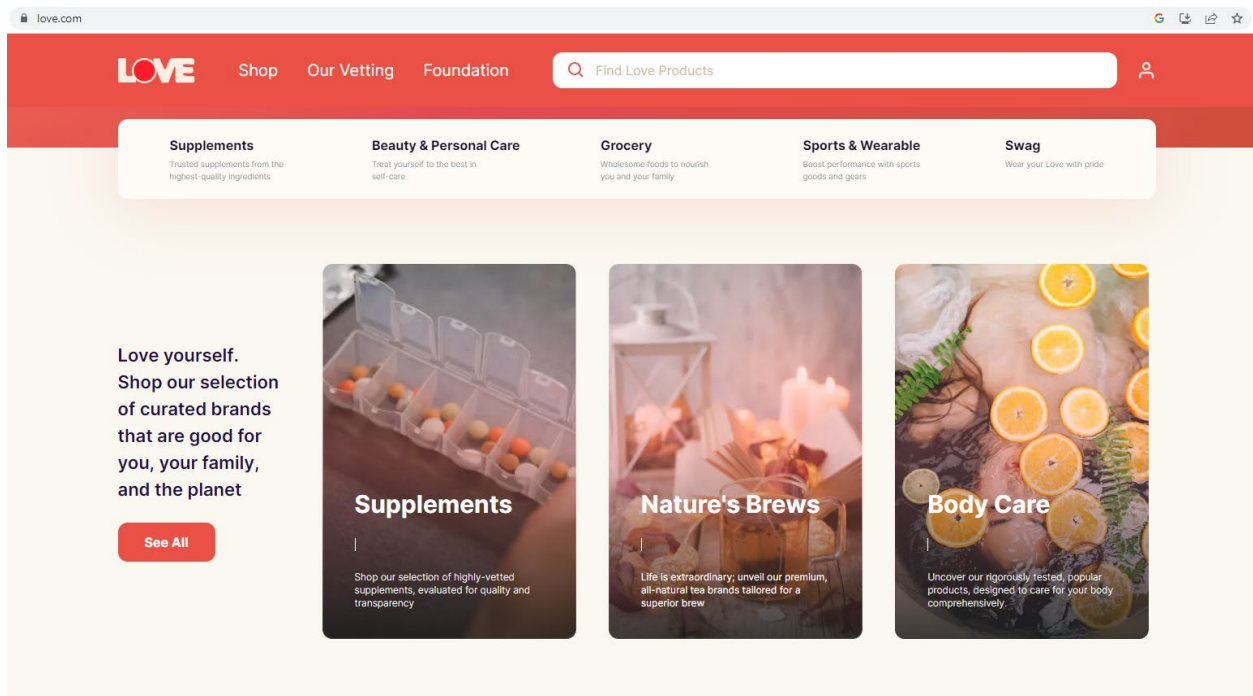


13. Besides LHI’s branding on the header and footer of the website, and references to the “Love Score,” which is the company’s rating system based on vendor business practices, certifications, and customer feedback there is no other prominent display of the LHI’s branding on the item page for this or any other third-party good or product offered on love.com.

14. The primary purpose of love.com is to serve as a marketplace for conscious consumers to purchase products made by other companies. In fact, the only goods LHI sells which bear any of LHI's branding are its company "swag," which includes shirts, sweatpants, sweatshirts, and a book. For example:



15. LHI is different from Amazon and other marketplaces because of its focus on the welfare of its customers and the world at large. Initially, its primary purpose was to sell other companies' health and wellness products—products that LHI believes are transparently marketed and “good for you, your family, and the planet”:



16. LHI has broadened its offerings to include other products, such as groceries, sports items, and it is currently expanding into furniture, household items, and makeup. The target consumer on love.com is someone who cares about purchasing good quality and sustainable products.





### C. LHI's Vetting Process and Charitable Efforts

17. I am aware from Ogilvie's motion for a preliminary injunction against LHI that it believes our marketplace “merely function[s] as a drop shipper for third party products.” Currently LHI's products are drop-shipped, but LHI is not just “merely functioning” as a drop shipper. Unlike other online retailers and marketplaces, LHI employs a process to sell limited, curated third-party goods that it believes fit within its ethos. Although those goods fit within a

broad framework—sports goods, groceries, supplements, and soon furniture and household items—each product must pass a rigorous test before LHI markets it for sale on love.com. LHI employs a vetting process for each of its marketed goods, which includes compliance evaluation, review of Certificates of Analysis, and product review by industry experts.

18. When consumers visit love.com to purchase Rasa® tonics, Dr. Jacobs® soaps and body washes, Rich Nuts® assorted nuts, Swanwick® earplugs and glasses, they will know the products for sale have been vetted not only by LHI's internal team but also by its trusted experts. This process makes LHI different from competing marketplaces that sell third-party goods.

19. In addition, LHI created a foundation, called Time for Love Foundation, Inc., which is funded by the greater of 1% of LHI's revenue or 10% of its profits. The purpose of those funds from LHI's operations is to provide grants to organizations seeking to positively affect human and planetary health and wellbeing. I am aware that Ogilvie's lawyer has stated in a declaration that she could not find Time for Love Foundation's corporate registration. Time for Love Foundation was incorporated in Delaware as a not-for-profit entity on April 21, 2023, before the public launch of the love.com marketplace. I accessed the entity details online at the publicly available Delaware Department of State website, which produced the following information on Time for Love Foundation's incorporation:

← → ↻ [icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx](https://icis.corp.delaware.gov/ecorp/entitysearch/NameSearch.aspx)    

Delaware.gov Governor | General Assembly | Courts | Elected Officials | :  
Photo: Featured Delaware Photo

Department of State: Division of Corporations

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HOME Entity Details

**THIS IS NOT A STATEMENT OF GOOD STANDING**

<a href="#">File Number:</a>	7421392	<a href="#">Incorporation Date / Formation Date:</a>	4/21/2023 (mm/dd/yyyy)
<a href="#">Entity Name:</a>	TIME FOR LOVE FOUNDATION		
<a href="#">Entity Kind:</a>	Corporation	<a href="#">Entity Type:</a>	Exempt
<a href="#">Residency:</a>	Domestic	<a href="#">State:</a>	DELAWARE

[REGISTERED AGENT INFORMATION](#)

<a href="#">Name:</a>	THE CORPORATION TRUST COMPANY		
<a href="#">Address:</a>	CORPORATION TRUST CENTER 1209 ORANGE ST		
<a href="#">City:</a>	WILMINGTON	<a href="#">County:</a>	New Castle
<a href="#">State:</a>	DE	<a href="#">Postal Code:</a>	19801
<a href="#">Phone:</a>	302-658-7581		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

Would you like ☐ Status ☐ Status, Tax & History Information

#### D. LHI's Advertising Efforts

20. LHI expended millions of dollars to acquire its domain and prepare the company for its recent launch. Advertising and promotion efforts for LHI's love.com marketplace have included primarily online keyword and social media spends.

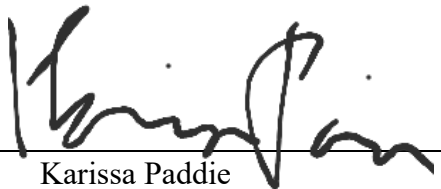
#### E. LHI Would Suffer Extreme Hardship if Enjoined

21. I believe an injunction that prevents LHI from using its LOVE, LHI, and LOVE.COM marks would wreak serious, irreparable harm. LHI has invested millions of dollars into its brand and recent launch. It is a new startup that is going through the growing pains of

finding its place in the market, a dynamic period whose momentum can be difficult or impossible to restart if upset. Further, the company is continuing to raise funds and is vulnerable to a fear response from investors if they believe LHI will not be able to operate its marketplace or use the love.com domain it acquired at a substantial cost. Beyond the harm of lost funding and investment, LHI would also suffer from lost sales, possible loss of customers, reputational damage, harm to LHI's brand, significant costs associated with rebranding, and costs associated with lost media and social media purchases. Because the proposed injunction in Ogilvie's motion for a preliminary injunction does not say what conduct of LHI would be enjoined, it is impossible for me to predict the exact consequences for LHI's business or provide an estimate of the scope of the monetary damages they would cause.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 20, 2023 at Nuevo Vallarta, Mexico.



Karissa Paddie